

JAN 27 2005



**Recipient:** Betsy L. Deppe

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**Company:** Inter-Tel, Inc.

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**Voice Number:** 480-961-9000

**Date:** 1/27/2005

**Time:** 11:01:38 AM

**Total No. Pages:** 13

**Subject:** 09/813,974

## Message:

Please forward the following Response to Examiner Deppe in Art Unit 2637.

Thank you,  
Michelle Whittington

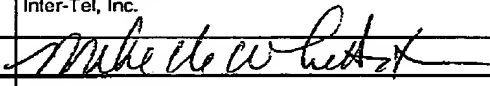
JAN 27 2005

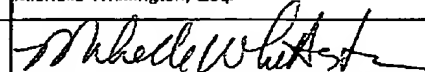
PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|  |                      |                        |         |
|--|----------------------|------------------------|---------|
| <b>TRANSMITTAL<br/>FORM</b><br><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 09/813,974             |         |
|  | Filing Date          | March 22, 2001         |         |
|  | First Named Inventor | McLaughlin             |         |
|  | Art Unit             | 2637                   |         |
|  | Examiner Name        | DEPPE, Betsy Lee       |         |
| Total Number of Pages in This Submission   | 12                   | Attorney Docket Number | Q-63711 |

| ENCLOSURES (Check all that apply)  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input checked="" type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks<br>One (1) Drawing Replacement Sheet   |   |  |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT   |   |  |
| Firm or Individual name  | Michelle Whittington, Esq.<br>Inter-Tel, Inc.   |  |
| Signature  |    |  |
| Date   | January 27, 2005  |  |

| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |                  |
|---|---|------|------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |      |                  |
| Typed or printed name   | Michelle Whittington, Esq.  |      |                  |
| Signature   |  | Date | January 27, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |  |   |  |
|---|--|---|--|
| Effective on 12/08/2004.<br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).<br><b>FEE TRANSMITTAL</b><br><b>For FY 2005</b> |  | <b>Complete if Known</b><br>Application Number 09/813,974<br>Filing Date March 22, 2001<br>First Named Inventor McLaughlin et al.<br>Examiner Name DEPPE, Betsy Lee<br>Art Unit 2637<br>Attorney Docket No. Q-63711 |  |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27  |  |   |  |
| TOTAL AMOUNT OF PAYMENT (\$) 0  |  |   |  |

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number 502721 Deposit Account Name Inter-Tel, Inc.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   | 0              |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    | 0              |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    | 0              |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   | 0              |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     | 0              |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

Total Claims 23 - 20 or HP = 0 x 0 = 0  
 HP = highest number of total claims paid for, if greater than 20.  
 Indep. Claims 2 - 3 or HP = 0 x 0 = 0  
 HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| 23           | 0            | 0  | 0        | 0             |

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount) 0

Other (e.g., late filing surcharge): 0

|                     |                             |                         |                        |
|---------------------|-----------------------------|-------------------------|------------------------|
| <b>SUBMITTED BY</b> |                             | Registration No. 43,844 | Telephone 480-961-9000 |
| Signature           | <i>Michelle Whittington</i> | (Attorney/Agent)        | Date JANUARY 27, 2005  |
| Name (Print/Type)   | MICHELLE WHITTINGTON, ESQ.  |                         |                        |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**JAN 27 2005**

**CERTIFICATE OF TRANSMISSION PURSUANT TO 37 C.F.R. §1.8**

I hereby certify that this Response is being transmitted by facsimile to the United States Patent and Trademark Office, Mail Stop *Amendment*, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on:

Date: Jan 27, 2005

By

*Michael Whittington*

Signature of person transmitting

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/813,974  
Applicant : McLaughlin et al.  
Filed : March 22, 2001  
Art Unit : 2637  
Examiner : DEPPE, Betsy Lee

Conf. No. : 6049  
Docket No. : Q-63711

Title : A METHOD AND APPARATUS FOR  
TRANSMITTING DATA FROM AN  
ANALOGUE MODEM TO A DIGITAL  
MODEM THROUGH AN ANALOGUE  
CHANNEL

**AMENDMENT and RESPONSE**

Mail Stop *Amendment*  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby responds to the Office Action dated September 27, 2004 and requests the Examiner to consider the following Amendments and Remarks:

**Amendments to the Specification** are on page 2 of this paper.

**Amendments to the Claims** begin on page 3 of this paper.

**Amendments to the Drawings** are on page 6 of this paper and include an attached replacement sheet.

**Remarks** begin on page 7 of this paper.